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House of Representatives

Select Committee on Benghazi

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January 28, 2015

The Honorable Trey Gowdy
Chairman
Select Committee on the Events Surrounding
the 2012 Terrorist Attack in Benghazi
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are writing to request that you schedule a special meeting of the Select Committee in order to vote on your unnecessary and abusive plan to issue 22 subpoenas to State Department employees, particularly given that the Committee just received a letter this morning from the State Department requesting a meeting to schedule these very interviews.

At yesterday's hearing, you and other Republican Members complained that the State Department had not scheduled interviews in response to your letter on December 4, 2014. These criticisms came despite the fact that the Committee waited seven months after it was established to even request these interviews.

This morning, at 9:27 a.m., the State Department sent a letter requesting a meeting "as soon as today" to schedule the interviews you requested. The State Department letter stated:

As we have said to your staff for several weeks and as we testified yesterday, we are ready to work with you to set up interview dates for the individuals identified in your letters of December 4. Specifically, we are ready to meet, as soon as today, to schedule dates certain for interviews. Once we have those dates set, the Department will provide a witness on each agreed date.¹

This letter is consistent with other previous communications from Department officials indicating that they were working to schedule the requested interviews voluntarily. None of the witnesses has refused to speak with the Committee.

¹ Letter from Julia Frifield, Assistant Secretary for Legislative Affairs, Department of State, to Chairman Trey Gowdy, Select Committee on Benghazi (Jan. 28, 2015) (online at www.democrats.benghazi.house.gov/sites/democrats.benghazi.house.gov/files/documents/2015_01_28_Letter_From_State_to_Gowdy.pdf) (emphasis added).

After receiving the State Department's letter, you then sent the Ranking Member a letter stating that you still plan on going forward with the subpoenas nonetheless. You wrote:

I also wanted to let you know for the purpose of consultation of my intention to authorize and issue subpoenas for the testimony of witnesses previously identified to you.²

Exercising your unilateral subpoena authority in this manner is exactly the type of abuse Democrats warned about when the Select Committee was formed because it was exactly the type of abuse we witnessed repeatedly from Oversight Committee Chairman Darrell Issa.

In fact, if you go forward with this plan, you will have issued more than twice as many subpoenas in one day as former Chairman Issa issued in any month of his tenure.

State Department officials have made clear that they are ready to schedule these interviews—today—so these subpoenas are completely unnecessary. These subpoenas are particularly egregious considering that four of these witnesses are Diplomatic Security Agents who survived the terrorist attacks in Benghazi. They paid a tremendous price in service of their country, and there is absolutely no reason to serve subpoenas on these heroes.

You indicated that your letter today is meant to serve as your “consultation” with us on these subpoenas. We request that you do not issue these subpoenas, but instead work with the State Department on scheduling the interviews. If you choose to reject our request, we seek a full Committee vote on each and every one of these subpoenas.

As Rep. Adam Schiff stated yesterday in our hearing, our Committee's investigation must be bipartisan for it to be credible. He explained:

If this investigation doesn't produce a bipartisan report, it will have been a complete failure. It will be a meaningless failure. Because if we don't produce a bipartisan report at the end of the day, it will have no credibility. So, if we're going to invest our time in this, let's make it worthwhile -- and that means let's make it bipartisan -- so that the country and the families will have the confidence of knowing that this was an objective work product.³

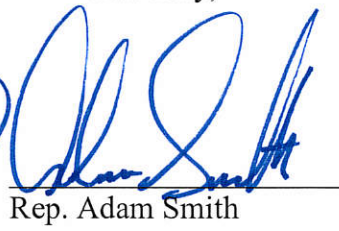
We urge you to reconsider your current approach and work with us in a bipartisan way to schedule these interviews.

² Letter from Chairman Trey Gowdy, Select Committee on Benghazi, to Ranking Member Elijah E. Cummings, Select Committee on Benghazi (Jan. 28, 2015).

³ House Select Committee on Benghazi, *Hearing 3: Status Review of Outstanding Requests*, (Jan. 27, 2015).

Sincerely,


Rep. Elijah E. Cummings
Ranking Member


Rep. Adam Smith


Rep. Adam B. Schiff


Rep. Linda T. Sánchez


Rep. Tammy Duckworth